

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:20-CV-00372-FDW-DSC

TOTALENERGIES PETROCHEMICALS)
& REFINING USA INC.,)

Plaintiff,)

vs.)

RSI LOGISTICS, INC. *et al.*,)

Defendants.)

ORDER

THIS MATTER is before the Court *sua sponte* as to the status of this case. Defendants filed a Notice of Settlement on October 25, 2021 (Doc. No. 59), wherein Defendants assert “the parties have reached settlement in principle of all issues in this action”. (Doc. No. 59, p. 1). This matter, however, is docketed for trial beginning November 1, 2021, and nothing in the motion sought a stay or continuance of any other deadlines, including trial. Although it appears the parties will finalize the settlement process, the Court finds no sufficient basis under the current record to *sua sponte* stay deadlines or continue trial.


Accordingly, counsel is hereby advised they are expected to appear for: (1) docket call at 9:00 a.m. on November 1, 2021; (2) a pretrial conference immediately following docket call; and (3) jury selection on November 2, 2021. Of course, the parties can file their Stipulation of Dismissal any time, including prior to docket call, at which time the Court will remove this case from the trial calendar and terminate the deadlines set forth herein.¹


¹ The Court notes, however, that the Case Management Order in this case provides:

IT IS THEREFORE ORDERED that the deadlines in this matter will remain as previously set, beginning with docket call at 9:00 a.m. on November 1, 2021.

IT IS SO ORDERED.

Signed: October 26, 2021


Frank D. Whitney
United States District Judge



Whenever a civil action scheduled for a jury trial is settled or otherwise disposed of in advance of the actual trial, the Court may assess all jurors' costs (including Marshal's fees, mileage reimbursement, and per diem fees) equally against the parties or otherwise may determine appropriate assessments, unless the Clerk's office is notified at least one (1) full business day prior to the date on which the action is scheduled for trial or the parties establish good cause why the Court should not assess jury costs against them.

(Doc. No. 29, p. 14). The stipulation of dismissal, if filed on October 29, 2021, must therefore be filed no later than 11:00 a.m. that day to give the Clerk of Court sufficient time during the business day to advise the jurors who are selected that they need not appear for trial on November 1, 2021.